IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2813 of 2003
WITH
SPL.CIVIL APPLN.Nos.2814,3019,3386 & 3550 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KSHITIJ R.VYAS
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAVUJI SABRAJI

Versus

SPECIAL LAND ACQUISITION OFFICER

Appearance:

1. Special Civil Application No. 2813 of 2003
MR GM AMIN for Petitioner No. 1-2
GOVERNMENT PLEADER for Respondent No. 1-2,4
RULE SERVED BY DS for Respondent No. 3

CORAM : MR.JUSTICE KSHITIJ R.VYAS
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 09/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE KSHITIJ R.VYAS)

1. The petitioners in this petition have prayed for appropriate writ, order or directions calling upon the respondents to implement the award Annexure A dated 31.1.2003 and to direct the respondents to pay compensation to the petitioners with interest at the rate of 18% p.a. till the date of payment.

2. The lands of the petitioners are situated in the sim of village Kadadara, Taluka Dehgam, District: Gandhinagar. The said land was acquired for the purpose of laying down Narmada canal. The Special Land Acquisition Officer, Narmada Yojna, Unit No.3, respondent no.1 herein declared the award on 20.3.1991. It appears that some of the claimants filed reference applications under section 18 of the Land Acquisition Act ('Act' for short) bearing nos. 716 of 1991 to 725 of 1991, 250 of 1992 to 255 of 1992 and 260 of 1992 to 268 of 1992. The learned 2nd Extra Assistant Judge and Special Judge (LAQ) Ahmedabad (Rural) enhanced the amount of compensation by his judgment and order dated 30.12.2001.

3. It further appears that since the petitioners did file reference applications, they filed applications under section 28A of the Act. However, the said applications were not decided. The petitioners approached this Court by filing writ petitions. This Court disposed of those petitions on different dates by allowing those petitions and direction was issued to decide the said applications within two months. In pursuance of the same, award was declared by the respondent no.1 on 31.1.2003. It is the grievance of the petitioners that even though the award is declared, compensation has not been paid and, therefore, the present petitions.

4. After having heard the learned Counsel for the petitioners as well as Mr. Kodekar, the learned AGP, we dispose of these petitions by directing the respondents to implement the award Annexure A and direct the respondents to pay the compensation as per award Annexure A, with running interest till the date of payment, at the rate of interest as per the provisions of the Act. This direction is necessary in view of the fact that the award at Annexure A is in fact accepted by the respondents inasmuch as no appeal is preferred against the said award. The respondents shall deposit the amount of compensation before the Land Acquisition Officer within three months from today.

Rule is accordingly made absolute with no order

asto costs.

Office to place a copy of this judgment in all the aforesaid matters.

(Kshitij R.Vyas,J.)

(Akshay H.Mehta,J.)

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